IN RE: PETITION FOR ZONING VARIANCE s/s 8th St., 233' NW c/l Cuckold Point Road-Lot 130 7th Councilmanic District 15th Election District

\* BEFORE THE

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 89-373 A

Legal Owner: Joseph Rutkowski, et ux Contract Purchaser: Patrick Curran

FINDINGS OF FACT AND CONCLUSIONS OF LAW

. . . . . . . . . .

The Petitioners herein request a variance from Section 1802.3.B. to permit a lot width of 50' in lieu of the minimum 55', as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. The Petitioners were supported in their testimony by Mr. Richard Theibert and Mr. Gerald Ruth. There were no Protestants.

The Petitioner provio d testimony and evidence concerning Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and their hardship and/or practical difficulty. However, the Petitioner offered no evidence concerning the requirements of the Chesapeake Bay Critical Area laws, specifically, Sections 307.2 and 500.14 of the B.C.Z.R.

Therefore, it would be improper to grant the relief requested without proof that all of the requirements of the law had been fulfilled. The burden placed upon the party seeking a variance is to go forward with evidence that establishes the requirements set forth in the statute. Any Petitioner that does not meet his burden of going forward must be denied the relief requested. See Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A2d. 220 (1974) and McLean v. Soley, 270 Md. 208 (1973).

ZONING DESCRIPTION

Beginning on the southwest side of 8th Street, 30 feet

wide, starting at a point 233 feet northwest of the

centerline of Cuckold Point Road. Being Lot #130,

Book 7, Folio 162 containing .172 acre in the 15th

Election District.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of March. 1989 that the Petition for Zoning Variance from Section 1802.3.8. to permit a lot width of 50' in lieu of the minimum 55', as more particularly described on Petitioner's Exhibit 1 be and is hereby DENIED.

> ZONING COMMISSIONER FOR BALTIMORE COUNTY

cc: Peoples Counsel Mr. Richard Theibert, 708 Deepdene Road, Baltimore, Md. 21210 Mr. Gerald Ruth, 8812 Hinton Avenue, Baltimore, Md. 21219

89-313-A Petitioner Tosoph Ruttowski, et ux + Petrick Garrey Location of property Sals 8td St. 130' NW/ Cuckold ALRA. Location of Some Facing Fth ST., oppose 10' Fr. 700 LWay, By

date of the hearing set above presented at the meeting.

CERTIFICATE OF PUBLICATION TOWSON, MD., March 7 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 2 , 19.89

THE JEFFERSONIAN,

P010445 neg M 25290 price \$39.40

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353



Mr.and Mrs. Joseph Rutkowski 8137 Murray Point Road Baltimore, Maryland 21222

> RE: Petition for Zoning Variance Case #89-373A Legal Owner: Joseph Rutkowski, et ux Contract Purchaser: Patrick Curran

Dear Mr. and Mrs. Rutkowski:

Enclosed please find the decision rendered on the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, \* please be advised that any party may file an appeal within thirty (30) Cays of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, Robert Haires Robert'Haines Zoning Commissioner

cc: Peoples Counsel

Mr. Patrick Curran, 3113 Wellington Way, Fallston, Maryland 21047 Mr. Richard Theibert, 708 Deepdene Road, Baltimore, Md. 21210 Mr. Gerald Ruth, 8812 Hinton Avenue, Baltimore, Maryland 21219

Debug Comment & Print Office of Passet & Print Described 2701 SP-353 The Asset by activate of Ballng Act and Regulations of Baltitenn in Room 105 of the County Tien Belling, beated at 311 M Prime to head beaute Cost senses as U.S.A. 245 Ma S., 203 Mill c/1 Custable Print Band W D 150 Baries Brief . 190 Parison Reserved
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CERTIFICATE OF PUBLICATION

Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

March 2,

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert haines in the matter of Zoning Hearings - Case #89-373-A - P.O. #10427 - Req. #M25291 - 92 lines 0 \$46.00 in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week

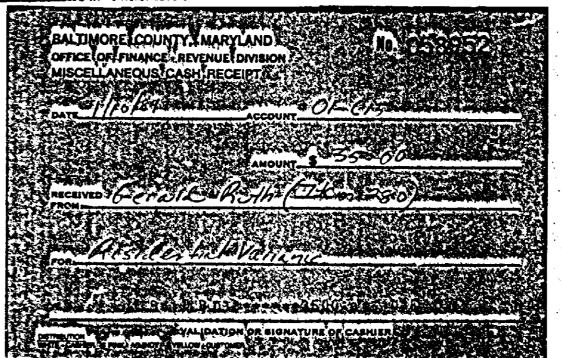
KNEWSKY weeks before the 1989; that is to say, the same was inserted in the issues of March 2, 1989

> Kimbel Publication, Inc. per Publisher.

Tracking System Baltimore County
Zoning Commissioner
Office of Planning & Zoning

TYPE Identification Number Patrick (Middle Initial)

Petitioner: Curran Property Address: Lot 130 8th Street (Street)



PETITION FOR ZONING VARIANCE to the zoning commissioner of baltimore county: 89-373-AThe undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.8. To permit a lot width of 50 in lieu

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

When lots were recorded they were 50' wide. Will not effect the overall density of the recorded plat. Lots are good amount over the required area.

---- of the minimum 55\*----

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of rerjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: JOSEPH RUTKOWSKI Patrick Curran Grefil De Rathoach (Type or Print Name) Patrick Curane 3113 Wellington Way JOSEPHINE RUTKOWSKI (Type or Print Name) Fallston, Md. 557-9501 City and State Attorney for Petitioner 8137 MURRAY POINT RO. (Type or Print Name) BALD. MO. 21222 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Patrick Curran 3113 Wellington way 557-9501 Attorney's Telephone No.:

OPDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoming Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the day of day of 1987, at picket

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 25th day of January , 1989.

Petitioner Joseph Rutkovski, et ux James B. Lyer Chairman, Zoning Plans Petitioner\*

MISCELLANEOUS CASH RECEIPT

B 014 \*\*\* \* 100 40 : 4 3 16 4 F

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoning Commissioner

Date: 3/8/89

Joseph Rutkowski 8137 Murray Point Road Baltimore, Maryland 21222

Lot 130

Petition for Zoning Variance CASE NUMBER: 89-373-A 5/5 8th St., 233' Nw c/l Cuckold Point Road



15th Election District - 7th Councilmanic Legal Duner(s): Joseph Rutkowski, et ux Contract Purchaser(s): Patrick Curran HEARING SCHEDULED: THURSDAY, MARCH 16, 1989 at 9:00 a.m.

Dear Mr. Rutkowski:

Please be advised that \$10040 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post sat(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Patrick Curran

Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-373-A S/S 8th St., 233 MW c/l Cuckold Point Road Lot 130 15th Election District - 7th Councilmanic Legal Owner(s): Joseph Rutkowski, et ux Contract Purchaser(s): Patrick Curran HEARING SCHEDULED: THURSDAY, MARCH 16, 1989 at 9:00 a.m.

Variance to permit a lot width of 50 ft. in lieu of the minimum 55 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. Polont frince

J. ROBERT HAINES Zoning Commissioner of Baltimore County

> Chesapeake Bay Critical Area Commission Joseph Rutkowsk., et ux Patrick Curran

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 3, 1989

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Mr. Patrick Curran 3113 Wellington Way Fallston, MD 21211

KENBERS Bureau of Engineering

Department of Traffic Engineering State Roads Commissio Bureau of Fire Prevention

Wealth Department Project Planaing Building Department Board of Education Coning Administration Industrial Develo<del>pmen</del>t

RE: Item No. 280, Case No. 89-373-A Petitioner: Joseph Rutkowski, et ux

Dear Mr. Curran:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Petition for Zoning Variance

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Joseph Rutkowski

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405

March 1, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Towson, Maryland 21204

494-3554

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 264, 277, 278, 280, 281, 282, 283, 284, 286, 287, 288, 292, 293, 294, 295

> Michael S. Flanigan Traffic Engineer Assoc. II

ZONING OFFICE

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

February 6, 1989

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Joseph Rutkowski, et ux

Location: S/ side of 8th Street, 233' NW of centerline of Cuckold Point Road Zoning Agenda: Meeting of January 24, 1989 Item No.: 280

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

Special Inspection Division

( ) 7. The Fire Prevention Bureau has no comments at this time.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE J. Robert Haines TO. Zoning Commissioner March 6, 1989

Pat Keller, Deputy Director FROM Office of Planning and Zoning

Zoning Petition Nos. 89-372-A (RLC, Inc.); 89-373-A (Rutkowski); SUBJECT 89-377-A (Serruto); and 89-388-A (Babikow)

The petitioners listed above are all requesting setback variances to allow development on lots less than 55 feet in width. In reference to these requests, staff's primary concerns are:

1. What is the impact on adjoining property?

2. Are adequate setbacks (building to building setback should be approximately 20 to 30 feet) being provided?

3. Will the reduced lot size result in requests for additional variances?

If the petitioners request(s) are granted, staff recommends the following conditions be applied:

\* All building setback lines shall be shown on the site plan and recorded by the applicant. A statement shall be included stating that all development shall conform to the setbacks as shown and additional variances shall not be granted.

PK/sf

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

8137 Murray Point Road

Baltimore, MD 21222

FEB 6 1989 DATE: February 2, 1989

TO: Mr. J. Robert Haines Zoning Commissioner FROM: Mr. Robert W. Sheesley

SUBJECT: Zoning Variance for Subdivision - Item #280 Joseph Rutkowski - 8th Street, Swan Point, Lot 130

The subject property is located on 8th Street, northeast of Cuckhold Point Road in Swan Point. The site is within the Chesareake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a Zoning Variance from Section 1B02.3.B, to permit a lot width of 50 feet in lieu of the minimum 55

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances

or that have runoff from surrounding lands; 2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 0>

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following

1. The sum of all man-made impervious areas shall not exceed 15% of the lot <COMAR 14.15.02.04 C.(7)>.

2. If no forest or developed woodland exists on a proposed site, these sites shall be planted to provide forest or developed woodland cover of at least 15% <COMAR 14.15.02.04 C.(5)>.

Memo to Mr. J. Robert Haines February 2, 1989

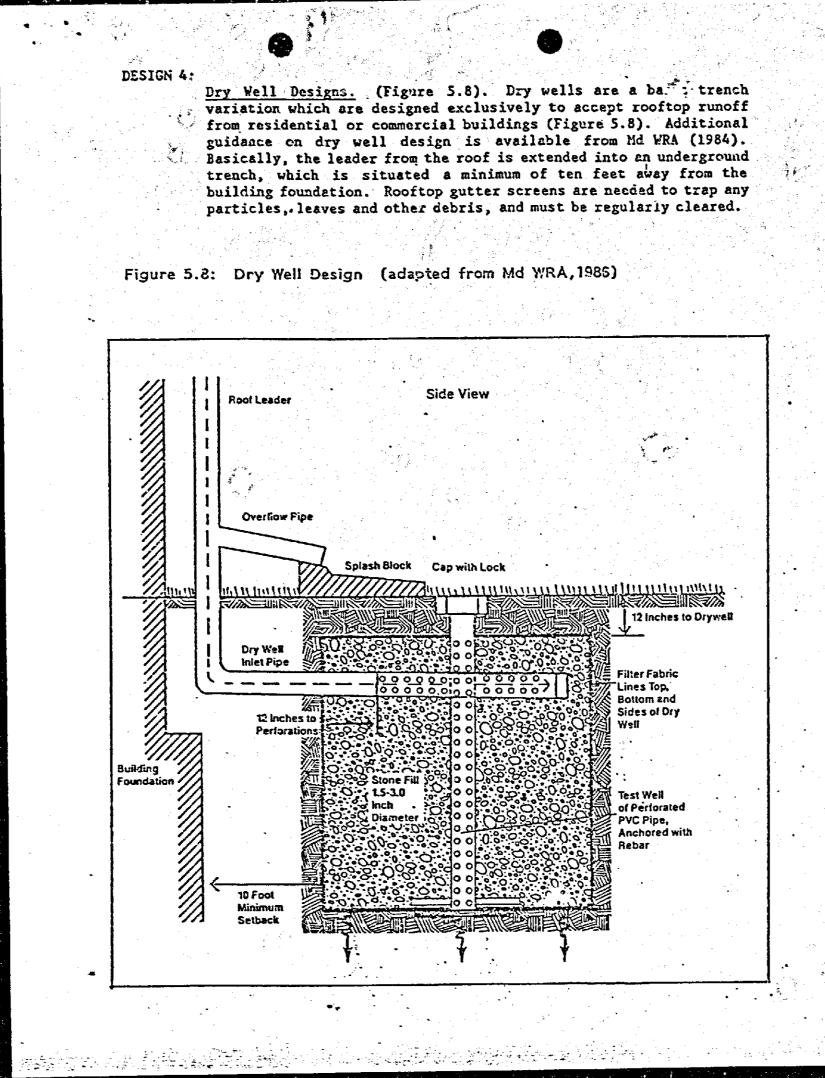
- Infiltration of water shall be maximized throughout the site, rather than directing flow to single discharge points <Baltimore County Code, Sec. 22-217(a)2>.
  - a. Storm water runoff from impervious surfaces shall be directed over pervious areas such as lawn to encourage maximum infiltration.
  - b. Rooftop runoff associated with this project shall be directed via rain spouts into dry wells of an approved design to encourage maximum infiltration.

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

> Robert W. Sheesley, Director partment of Environmental Protection nd Resource Management

RWS:DCF:tjg

cc: The Honorable Ronald F. Hickernell





JUDGE SOLOMON US\$

Thomas Jarvis Caroline Co.

Kathryn D. Langner Cecil Co.

J. Frank Raley, Jr.

Ronald D. Adkins Somerast Co.

Shepard Kreck, Jr. Taibet Co.

William J. Bostien Wicemics Co.

Rusself State Worcester Ca.

Samuel E. Turner, Sr Taibot Co.

STATE OF MARYLAND CHESAPEAKE BAY CRITICAL AREAS COMMISSION DEPARTMENT OF NATURAL RESOURCES TAWES STATE OFFICE BUILDING, D-4 **ANNAPOLIS, MARYLAND 21401** 974-2418 or 974-2426

ZONING OFFICE

Mr. J. Robert Haines Zoning Commissioner Office of Planning & Zoning Towson, MD 21204

Re: Rita Ashburn- #89-372-A Zoning Variance Patrick Curran - #89-373-A V
Zoning Variance

Dear Mr. Haines:

Parts Glandering This is to acknowledge receipt of the above-referenced Prince George's Co. p .ject applications. Robert R. Price, Jr. Quoen Anne's Co.

These projects will be reviewed, and any comments will be sent to you upon completion of that review. Sincerely,

Ren Serey, Chief Project Evaluation Division

CABINET MEMBERS Wayne A. Cantoy, Jr. Martin Waish, Jr.

TTY for Deaf-Annapolis-974-2609 D.C. Metro-588-0450

TO FILE

GOOD RESIDENCE FROM MR. THOREST (PETITIONER'S ATTOONEY).

NO MODIES WERE REP'D ADDITION - TEDUESS ITIN OT BURN BASW MR. THEISERT FOR THIE FEES.

REGUEST BEING HELD BY BUA UNTIL MONIES ARE our FILE WILL BE COPIED + FORWARDED TO BUA)

> C. RADCLIFTE 6.22-89

The petitioner was made aware

that sik is in Critical Are and

the procedures needed to file with

Dave Flowers

Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

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Owner: Joseph Rutkowski  PLAT FOR ZONING VARIANCE SCALE: 1"=30"					
CONTRACT PURCHASER - GERALD RUTH LOT SIZE : 7,500 SQ.FT.					
SUBDIVISION - SWAN POINT					
BOOK 7 Page 162					
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Owner: Joseph Rutkowski					
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LOT 130 EXISTING UTILITIES IN BIT STREET  Book 7 Page 16A					

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET					
NAME	ADDRESS				
BRAD RUH	708 DESPOENE, BANTO ZIZIO				
CIERALO RUPH	8812 HINTON AVE. BALTO 21219				
	e de la companya de				

